

Service Date: May 13, 2005

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF the Petition of)	
DIECA Communications, Inc., d/b/a Covad)	UTILITY DIVISION
Communications Company,)	
for Arbitration of an Interconnection Agreement)	DOCKET NO. D2005.4.51
with)	
Qwest Communications Corporation)	
Pursuant to 47 U.S.C. § 252)	ORDER NO. 6647

PROCEDURAL ORDER

The hearings officer for procedural matters issues this procedural order to govern the schedule and other procedural matters in this docket.¹

Parties

1. In this order the term "parties" includes DIECA Communications, Inc, d/b/a Covad Communications Company (Covad), Qwest Communications Corporation (Qwest), and the Montana Consumer Counsel (MCC).

Service and Filing

2. Copies of all pleadings, motions, briefs and all other documents shall be filed with the Montana Public Service Commission (Commission or PSC) and served on all parties and other entities and individuals on the attached service list. Service upon the parties shall be upon the parties' attorney of record and such other individuals as may be reasonably designated by the attorney of record.

¹ On May 10, 2005, at a regularly scheduled work session, the Montana Public Service Commission appointed staff attorney Monica Tranel as hearings officer for procedural matters in this docket.

3. An original and ten (10) copies of all documents, except proprietary documents, must be filed with the PSC. Only one copy of proprietary documents shall be filed – on yellow paper.

Schedule

4. The parties have waived the time requirements contained in 47 U.S.C. §252(b)(4) and §69-3-837(12), MCA.

5. Pursuant to stipulation of the parties, the procedural schedule governing this proceeding shall be as follows:

- a. April 11, 2005: Covad Petition for Arbitration received at Commission
- b. May 2, 2005: Qwest response filed at Commission
- c. May 10, 2005: Commission appointed Monica Tranel, staff attorney, hearings officer
- d. May 10, 2005: Procedural conference call with all parties held by telephone
- e. June 10, 2005: Simultaneous opening briefs from Covad and Qwest due
- f. July 8, 2005: Simultaneous response briefs of Covad and Qwest due; comments, if any, by MCC due
- g. July 22, 2005: Covad and Qwest responses to MCC comments (if any) due
- h. July 27, 2005, 9:00 a.m.: Oral argument
- i. Schedule upon issuance of final order to be set as necessary

Discovery

6. The parties agree that discovery is not necessary for purposes of this arbitration.

Issue for Arbitration

7. The parties have identified the single issue to be arbitrated in the petition and response on file. The parties agree upon the single issue submitted for arbitration, and will brief and argue the single issue presented.

8. The parties shall submit an interconnection agreement in accordance with the PSC final decision rendered in this arbitration. A schedule for filing such an interconnection agreement shall be set forth in the PSC final order, along with the time for requesting reconsideration, if desired.

Amendment

9. The provisions of this Order may only be amended by PSC action, or PSC staff action pursuant to delegated authority. The PSC shall maintain continuing jurisdiction of the matters encompassed by this Order during the course of this Docket.

DONE AND DATED this 10th day of May, 2005, by delegation to Commission staff as the Order of the Montana Public Service Commission.

BY THE MONTANA PUBLIC SERVICE COMMISSION

GREG JERGESON, Chairman
BRAD MOLNAR, Vice-Chairman
DOUG MOOD, Commissioner
ROBERT H. RANEY, Commissioner
THOMAS J. SCHNEIDER, Commissioner